

## REMARKS

### Summary of Office Action

On pages 2-4 of the Office Action, the Examiner issued a Restriction Requirement directed to claims 1-29 as follows:

- Group I: Claims 1-10, 21 and 27, drawn to recording evidence of consent by a voice recording system to a transaction involving a relying party and affirming party, classified in class 705, subclass 1.
- Group II: Claims 11-16, 22-23 and 28-29 drawn to recording consent to a transaction using a voice recording system, the transaction involving a relying party and an affirming party receiving a transaction identifier at the voice recording system, classified in class 705, subclass 1.
- Group III: Claims 17-18, drawn to obtaining evidence of consent to a transaction involving a relying party and affirming party where the relying party associates a transaction identifier with a transaction, classified in class 705, subclass 1.
- Group IV: Claims 19-20, drawn to a method for gathering evidence of assent to a proposition, classified in class 705, subclass 1.
- Group V: Claims 24-26, drawn to entering into a contract by a party receiving a contract and instructions how to signify agreement to the contract, classified in class 705, subclass 1.

Moreover, on page 7 of the Office Action, the Examiner asserted that the species to which claims 3, 5 are directed is patentably distinct from the species to which claims 2 and 6, claims 7 and 10 and claim 9 are directed. Additionally, on page 7 of the Office Action, the Examiner asserted that the species to which claim 12 is directed is patentably distinct from the species to which claim 13 is directed. Finally, on page 7 of the Office Action, the Examiner asserts that the species to which claim 14 is directed is patentably distinct from the species to which claim 15 is directed.

### Applicants' Reply

Applicants traverse the Restriction Requirement and respectfully request reconsideration and withdrawal of the requirement. However, in order to provide a complete response pursuant to 37 C.F.R. § 1.143, applicants provisionally elect claims 11-16, 22-23 and 28-29 (Group II).

Applicants respectfully submit that the claims of Groups I-V should be examined together, as they share a relationship involving the recording of assent by a party to a transaction, proposition, or contract, and because it would not present an unreasonable task for, or place an undue burden on, the Examiner for searching purposes to examine the claims of Groups I-V together. For example, transaction identifiers are recited in both the claims of Group I and the claims of Group II. Moreover, while the claims of Group I do not require the relying party to associate the transaction identifier with the transaction, as the claims of Group II do, this distinction is not one that would place an undue burden on the Examiner for searching purposes. As another example, while the claims of Groups I, IV and V relate to the recording of consent to a transaction, proposition, and contract, respectively, these Groups should be examined together as this distinction would not place an undue burden on the Examiner for searching purposes.

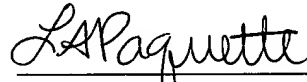
Furthermore, to provide a complete response to the Office Action, with respect to the first species election requirement set forth by the Examiner, applicants hereby provisionally elect, with traverse, claims 3 and 5. Moreover, with respect to the second species election requirement set forth by the Examiner, applicants hereby provisionally elect, with traverse, claim 13. With respect to the third species election requirement set forth by the Examiner, applicants hereby provisionally elect, with traverse, claim 14. However, applicants respectfully contend that, given the commonality of the subject matter, an undue burden would not be placed on the Examiner to include each of claims 4, 6-7, 9-10, 12, and 15 in the search.

The Director is hereby authorized to charge any fees due, or credit any overpayment, in connection with this case to Deposit Account No. 08-0219.

Respectfully submitted,

WILMER CUTLER PICKERING  
HALE AND DORR LLP

Date: December 22, 2005

  
\_\_\_\_\_  
Laura A. Paquette  
Registration No. 48,446  
Agent for Applicants

Wilmer Cutler Pickering Hale and Dorr LLP  
399 Park Avenue  
New York, NY 10022  
Tel. 212-230-8800  
Fax. 212-230-8888  
Customer No. 28089